

DOCKET NUMBER (to be assigned)	:	SUPERIOR COURT
	:	
T.J. ELGIN	:	J.D. OF BRIDGEPORT
	:	
v.	:	AT BRIDGEPORT
	:	
JEFFREY M. DUNKERTON	:	11/16/21

COMPLAINT
FILED PURSUANT TO GENERAL STATUTES 9-328

TO A JUDGE OF THE SUPERIOR COURT IN AND FOR THE JUDICIAL DISTRICT OF BRIDGEPORT AT BRIDGEPORT, in accordance with Conn. Gen. Stat. §9-328, the plaintiff, T. J. Elgin, an unaffiliated candidate for the office of first selectman in the 2021 Westport municipal election, being aggrieved by a ruling of an election official in connection with the 2021 Westport municipal election held on November 2, 2021, does hereby complain and say as follows:

Introduction

1. This action seeks remedy as per General Statutes 9-328 on behalf of the duly elected third selectman of Westport.

Parties

2. T. J. Elgin, Plaintiff, is the duly-elected third selectman of Westport according to the town charter.
3. Jeffrey M. Dunkerton, Defendant, is the town clerk of Westport and has been at all times herein mentioned.

Factual background

4. On November 2, 2021, the election for municipal officers was held for the Town of Westport.
5. The following persons, in this order, earned votes for the office of First Selectman:
 - a. Jennifer Tooker, Republican,
 - b. Jonathan Steinberg, Democrat, and
 - c. T.J. Elgin, Libertarian, Plaintiff.
6. According to the Code of Ordinances of Westport, C4-1,

The candidate for First Selectman having the highest number of votes shall be elected First Selectman, and the candidate for Selectman combined with the elected First Selectman on the ballot or machine [i.e., the first said candidate's "running mate"] shall be elected a Selectman. The defeated candidate for First Selectman having the highest number of votes shall be elected a Selectman.
7. On November 2, 2021 Jennifer Tooker was duly elected first selectman of Westport.
8. On November 2, 2021 Andrea Moore, Jennifer Tooker's running mate, was duly elected second selectman of Westport as per the aforementioned ordinance.
9. Therefore, Jonathan Steinberg was elected third selectman of Westport, and was scheduled to be sworn in on November 15, 2021, and to assume office on November 16, 2021.

10. On or before November 15, 2021 Steinberg stated publicly his intention to decline to assume office.
11. On November 15, 2021 there was a swearing-in ceremony whereby the duly elected selectmen were to assume office.
12. On November 15, 2021 Defendant did not swear Plaintiff in as third selectman, and to this date has not made any effort to do so.
13. Based upon information and belief, it is the intent of the Westport Democratic Committee to nominate a successor to fill said alleged vacancy by appointment.

AGGRIEVEMENT

14. Plaintiff is aggrieved by virtue of Defendant's aforesaid actions, in that:
 - a. He has not been sworn in as third selectman of Westport;
 - b. He has not been able to exercise his duly elected office; and
 - c. He has been obliged to retain counsel to vindicate his legal rights.

COUNT ONE: Mandamus to Town Clerk of Westport

15. Allegations ## 1-14 are hereby incorporated by reference.
16. Defendant's aforesaid behavior was in error because Steinberg never assumed office; therefore, there is no

vacancy, but rather the aforesaid ordinance designates Plaintiff as the candidate duly elected.

17. As per Allegation #14, Plaintiff is aggrieved by Defendant's erroneous behavior.

18. As per General Statutes 9-328, Plaintiff claims an order of mandamus to Defendant to certify his election to the Board of Selectmen of Westport and take all other necessary steps toward Plaintiff's assuming his elected office.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this august Court **GRANT** the following relief:

1. An order of mandamus to Defendant to certify his election to the Board of Selectmen of Westport;
2. Costs;
3. Attorney's fees; and
4. Such other and further relief available at law or equity that doth pertain.

Respectfully submitted,
T.J. ELGIN, PLAINTIFF

By: /s/ Juris Number 422105
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His attorney

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AD DAMNUM

The amount in demand, exclusive of interest and costs, is less than \$15,000.00. Dated at Cheshire, Connecticut, November 16, 2021.

Respectfully submitted,
T.J. ELGIN, PLAINTIFF

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